

MINUTES FOR REGULAR MEETING

City Council of the Town of Colma
City Hall, 1198 El Camino Real
Colma, CA 94014

Wednesday, December 14, 2005
7:30 p.m.

CALL TO ORDER - Mayor Helen Fiscaro called the Regular meeting of the City Council of the Town of Colma to order at 7:40 p.m.

PLEDGE OF ALLEGIANCE

ROLL CALL

Council Present – Mayor Helen Fiscaro, Vice Mayor Frossanna Vallergera and Council Members Claro Formalejo, Philip J. Lum, Jr., and Joseph Silva

Council Absent – None

Staff Present: – Assistant City Manager Laura Allen, Chief of Police Robert Lotti, City Attorney Roger Peters, Director of Recreation Services Brian Dossey, City Engineer Rick Mao, and City Planner Andrea Ouse.

PUBLIC COMMENTS

1. Bruce Hamilton from HIP Housing presented the Council and Staff will 2006 calendars.
2. Mario Panoringan, Colma-Daly City Chamber of Commerce CEO, presented the City Council with a letter of support for Lucky Chances Casino and thanked the City Council for their support of the Chamber Soiree.

CONSENT CALENDAR

1. Motion to Accept Minutes of November 9, 2005 Regular City Council Meeting
2. Motion to Accept Minutes of November 15, 2005 Special City Council Meeting
3. Motion to Accept Minutes of November 30, 2005 Special City Council Meeting
4. Motion to Approve Warrants List for November 1-30, 2005
5. Motion to Adopt an Ordinance Regulating the Keeping, Maintaining and Releasing of Pigeons and Prohibiting Feeding of Wild Animals and Birds on Public Property (**Second Reading**)
6. Motion to Adopt an Ordinance Re-Numbering and Re-Organizing Certain Sections of the Colma Municipal Code and Amending References in the Code to Conform to the New Numbering System (**Second Reading**)

7. Motion to Adopt Resolution Determining and Ordering Distribution of Remaining Amounts and Payment of Final Expenses for the Town of Colma Limited Obligation Refunding Improvement Bonds, Series 1997
8. Motion to Adopt a Resolution Establishing Subchapter Seven to Chapter Eight of the Colma Administrative Code Relating to Email and Other Electronic Communications
9. Motion to Adopt a Resolution Amending the Criminal Justice Council (CJC) Joint Powers Agreement (JPA)
10. Motion to Approve the Amendment to the Joint Powers Agreement with the Narcotics Task Force

Action: On the motion made by Councilmember Silva, seconded by Vice Mayor Vallergera, and carried, the City Council approved items 1 through 10 on the Consent Calendar by the following vote:

Name	Voting		Present, Not Voting		Absent
	Aye	No	Abstain	Not Participating	
Helen Fisicaro	<input checked="" type="checkbox"/>				
Frossanna Vallergera	<input checked="" type="checkbox"/>				
Larry Formalejo	<input checked="" type="checkbox"/>				
Philip J. Lum, Jr.	<input checked="" type="checkbox"/>				
Joseph Silva	<input checked="" type="checkbox"/>				
Voting Tally	5	0			

PUBLIC HEARING

Mayor Fisicaro moved item 14 for Council consideration out of Agenda order and immediately following the consent calendar.

14. **Consider:** An Ordinance Amending Colma Municipal Code Section 4.09.290 and Adding Section 4.09.292 Relating to Wagering Limits at Gambling Establishments

Report: City Attorney, Roger Peters
 Action: Motion to Introduce Ordinance

Mayor Fisicaro opened the public hearing. The following people commented on this item:

Michael Franchetti, representing Lucky Chances;
 Dustin Chase, representing Lucky Chances;
 Pat Hatfield, 475 D. Street;
 John Hui, President Colma-Daly City Chamber of Commerce; and
 Dennis Fisicaro, 490 D. Street.

Mayor Fisicaro also read a letter (attached to these minutes) she received from Mr. Ben Viz, President of the Filipino American Association of Colma.

At the conclusion of the public comments, Mayor Fisicaro closed the public hearing.

Action: On the motion made by Vice Mayor Vallerga, seconded by Councilmember Silva, and carried, the City Council approved the Ordinance, with the amendment proposed by Michael Franchetti representing Lucky Chances (attached to these minutes), by the following vote:

Name	Voting		Present, Not Voting		Absent
	Aye	No	Abstain	Not Participating	
Helen Fisicaro	<input checked="" type="checkbox"/>				
Frossanna Vallerga	<input checked="" type="checkbox"/>				
Larry Formalejo	<input checked="" type="checkbox"/>				
Philip J. Lum, Jr.	<input checked="" type="checkbox"/>				
Joseph Silva	<input checked="" type="checkbox"/>				
Voting Tally	5	0			

Action: On the motion made by Vice Mayor Vallerga, seconded by Councilmember Silva, and carried, the City Council approved reading the Ordinance by title only, with the amendment proposed by Michael Franchetti representing Lucky Chances (attached to these minutes), by the following vote:

Name	Voting		Present, Not Voting		Absent
	Aye	No	Abstain	Not Participating	
Helen Fisicaro	<input checked="" type="checkbox"/>				
Frossanna Vallerga	<input checked="" type="checkbox"/>				
Larry Formalejo	<input checked="" type="checkbox"/>				
Philip J. Lum, Jr.	<input checked="" type="checkbox"/>				
Joseph Silva	<input checked="" type="checkbox"/>				
Voting Tally	5	0			

NEW BUSINESS

11. **Consider:** Appointment to San Mateo County Mosquito Abatement District Board of Directors, and Council Committee Assignments for 2006

Report: Assistance City Manager, Laura Allen

Action: Approve Appointment to San Mateo County Mosquito Abatement District Board of Directors, and Council Committee Assignments

Vice Mayor Vallerga recused herself from participating in this matter and left the room prior to discussion, after announcing that she was disqualified because her husband is being considered for the appointment to the Mosquito Abatement District.

Action: On the motion made by Mayor Fisicaro, seconded by Councilmember Formalejo, and carried, the City Council appointed Larry Vallerga as the Town of Colma representative on the San Mateo County Mosquito Abatement District Board of Directors, and made various committee assignments, attached to these minutes, by the following vote:

Name	Voting		Present, Not Voting		Absent
	Aye	No	Abstain	Not Participating	
Helen Fisicaro	<input checked="" type="checkbox"/>				
Frossanna Vallergera			<input checked="" type="checkbox"/>		
Larry Formalejo	<input checked="" type="checkbox"/>				
Philip J. Lum, Jr.	<input checked="" type="checkbox"/>				
Joseph Silva	<input checked="" type="checkbox"/>				
Voting Tally	4	0	1		

After the vote, Vice Mayor Vallergera re-entered the Council chamber.

12. **Consider:** Motion Directing the City Manager to Prepare Proposals for Amendments or Additions to the General Plan or Municipal Code, and to Publish Notice Thereof, Relating to Housing Policies and Programs and Development Impact Fees

Report: City Planner, Andrea Ouse

Action: Motion to Direct the City Manager

Action: On the motion made by Vice Mayor Vallergera, seconded by Councilmember Lum, and carried, the City Council:

- 1) Confirmed that the Town's key housing goals are to:
 - a) Encourage the development of affordable housing units for all households with special attention for households with incomes less than 80% of the County median;
 - b) Encourage development of higher density residential uses, mixed uses small group living facilities near the Colma BART Station and the South San Francisco BART Station; and
 - c) Meet its RHND requirement of 16 very-low income units, 8 low-income units, and 21 moderate-income units.
- 2) Directed the City Manager to prepare, in the near future, proposals for, and to publish notice thereof:
 - a) An Ordinance Requiring Inclusionary Housing Units in New Residential Developments;
 - b) A Parkland Dedication fee on new residential developments; and,
 - c) In the near future, consider imposing a fee for Art in Public Places.
- 3) Directed the City Manager to conduct studies of the following programs and to report to the council with recommendations as to:
 - a) Selection or confirmation of sites for new housing
 - b) Analysis of appropriate residential densities
 - c) A fee for Local Transit Facilities, to provide improvements such as bus shelters;
 - d) An Affordable Housing Fee on Commercial Development;
 - e) A fee for Bridges and Major Thoroughfares; and,

- d) A Policy Study fee for updates to, and maintenance of the Town's General Plan, Zoning Code and other policy documents.

by the following vote:

Name	Voting		Present, Not Voting		Absent
	Aye	No	Abstain	Not Participating	
Helen Fisicaro	<input checked="" type="checkbox"/>				
Frossanna Vallergera	<input checked="" type="checkbox"/>				
Larry Formalejo	<input checked="" type="checkbox"/>				
Philip J. Lum, Jr.	<input checked="" type="checkbox"/>				
Joseph Silva	<input checked="" type="checkbox"/>				
Voting Tally	5	0			

PUBLIC HEARING

13. **Consider:** An Ordinance Requiring Inclusionary Housing Units or In-Lieu Fees in New Residential Developments

Report: City Planner, Andrea Ouse
Action: Motion to Introduce Ordinance

Mayor Fisicaro opened the hearing to public comments.

There were no public comments.

Mayor Fisicaro closed the hearing to public comments.

Action: On the motion made by Vice Mayor Vallergera seconded by Councilmember Silva, and carried, the City Council approved the introduction of an Ordinance Requiring Inclusionary Housing Units or In-Lieu Fees in New Residential Developments with a change to page 5 of 18 establishing the inclusionary housing percentage at 20%, by the following vote:

Name	Voting		Present, Not Voting		Absent
	Aye	No	Abstain	Not Participating	
Helen Fisicaro	<input checked="" type="checkbox"/>				
Frossanna Vallergera	<input checked="" type="checkbox"/>				
Larry Formalejo	<input checked="" type="checkbox"/>				
Philip J. Lum, Jr.	<input checked="" type="checkbox"/>				
Joseph Silva	<input checked="" type="checkbox"/>				
Voting Tally	5	0			

Action: On the motion made by Vice Mayor Vallergera, seconded by Councilmember Silva, and carried, the City Council approved reading the Ordinance by title only, by the following vote:

Name	Voting		Present, Not Voting		Absent
	Aye	No	Abstain	Not Participating	
Helen Fisicaro	<input checked="" type="checkbox"/>				

Frossanna Vallergera	<input checked="" type="checkbox"/>				
Larry Formalejo	<input checked="" type="checkbox"/>				
Philip J. Lum, Jr.	<input checked="" type="checkbox"/>				
Joseph Silva	<input checked="" type="checkbox"/>				
Voting Tally	5	0			

Mayor Fiscaro read the title of the Ordinance.

COUNCIL CALENDARING

None.

REPORTS:

There were no reports.

ADJOURNMENT:

At 10:35 pm the Council adjourned the Regular meeting to a Closed Session in memory of Herbert Hill, San Mateo County Supervisor Jerry Hill's father.

15. In Closed Session under Government Code § 54956.6(b), Conference with Legal Counsel re Anticipated Litigation:

Number of cases:	1
Adverse party:	State of California
Nature of dispute:	Validity of Ordinance Limiting Wagering

The City Council reconvened the Regular meeting at 10:50 pm to report on action taken during the Closed Session.

Action: No reportable action taken.

ADJOURNMENT

December 14, 2005

Honorable Helen Fisicaro

Mayor
Town of Colma
1198 El Camino Real
Colma, CA 94014

Dear Mayor Fisicaro:

I am contacting you as president of the Filipino American Association of Colma to urge you and the other Council members to schedule an election as soon as possible to approve an increase in the wagering limits authorized at Lucky Chances Casino.

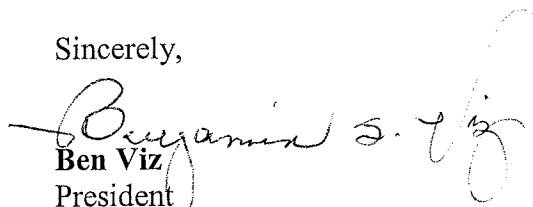
According to yesterday's San Francisco Examiner the Attorney General believes that Colma violated state law in 1998 by amending the card room ordinance to allow unlimited wagering. I have been told that the mistake in adopting the law was that no election was held to approve it.

We all know that the taxes Lucky Chances Casino pays to Colma improve the lives of our citizens and make Colma a better place to live for our citizens. According to the Examiner story almost 50% of that tax revenue will be lost to Colma if the wagering limits are not restored.

How will Colma replace that loss of money? What services will be cut?

This problem can be quickly solved by correcting the mistake made in 1998 and holding an election to determine if the people support no limit betting at Lucky Chances. I believe that they will vote for no limit betting because it clearly benefits every one in Colma. Whatever the vote, to delay holding the election appears to our Association to be against the best interest of our members and of our fellow citizens.

Sincerely,


Ben Viz
President
Filipino American Assn. of Colma

Minutes Attachment: **Reg Council Mtg**
Council Meeting Date: **12-14-05**
Item Number: **14**
Attachment: **Letter**
Provided by: **Ben Viz**

Proposed Amendment

Amend Section 4.09.290 to add subdivision (e) to read:

(e) A player in a card game that allows multiple betting spots may take those multiple bets and before placing them individually may consolidate them into one stack of chips and move that stack forward of the betting spots.